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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,797	01/03/2002	Takahiro Ishikawa	WATK:193A	9986

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EXAMINER

JOHNSON, JONATHAN J

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/033,797

Applicant(s)

ISHIKAWA ET AL.

Examiner

Jonathan Johnson

Art Unit

1725

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Kiley Stoner Au 1725
Kiley Stoner 1/26/04

Continuation of 5. does NOT place the application in condition for allowance because: In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a one step bonding process) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues Ohmae et al. does not teach any of the limitations of Claim 1. The examiner disagrees. Applicant is reminded that during patent examination, the pending claims must be "given the broadest reasonable interpretation." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In *re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). As stated in the previous office action, Ohmae et al teaches a method for bonding ceramics and metals including a ceramic member (col. 2, 44), a metallic member (col. 2, l. 45), a step of uniformly spreading a fine particle material including a cermet over the surface of the ceramic member (col. 2, l. 46-48, 53-55; col. 5, l. 35-38), a brazing/soldering material including a base metal of Al, Ag, Cu or Ni is disposed between the fine particle layer and the metallic member (col. 2, l. 49-52; Fig. 1 c), and subjection to thermal heating and a hot hydrostatic pressure treatment to melt the solder and forming a bonding layer comprising the cermet layer and the solder layer (col. 4, l. 56-60; col. 7, l. 56-57; col. 8, l. 1, 24, 47). With respect to the limitation requiring a fine particle material which reduces thermal stress, it is obvious that the cermet layer provided by Ohmae et al., being of the same material as instantly claimed, would meet this limitation.

Ohmae et al does not teach a method for bonding ceramics and metals including a member having a dented portion and a member having a protruded portion. Ushikoshi et al teaches a joint structure of metal member and ceramic member and method of producing the same including a ceramic member having a dented portion (col. 4, l. 31; Fig. 3), a metallic member having a protruded portion (col. 4, l. 29; Fig. 3), an electrically conductive member (brazing material) disposed between the ceramic member and the metallic member (col. 4, l. 29-30 Fig. 3), and heating with the application of pressure to bond the two members together (col. 9, l. 10-17). Both Ohmae et al and Ushikoshi et al disclose a method of bonding a ceramic member with a metallic member. (see abstracts of Ohmae et al. and Ushikoshi et al.) At the time of the invention, it would have been obvious to one having ordinary skill in the art to modify the teachings of Ohmae et al with the teachings of Ushikoshi et al. in order to bond together ceramic and metallic workpieces of specified shapes while improving joint structure and strength between the two.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner finds that at the time of the invention, it would have been obvious to one having ordinary skill in the art to modify the teachings of Ohmae et al with the teachings of Ushikoshi et al. in order to bond together ceramic and metallic workpieces of specified shapes while improving joint structure and strength between the two..